

AMENDMENTS TO THE DRAWINGS

Figures 11 and 12 are cancelled. The attached annotated sheet replaces the original sheet including Figures 11 and 12.

Attachment: Annotated Sheet

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 35-45, 47, 49, and 50 are pending in this application. By this Amendment, claim 35 is amended. No new matter is added. Claim 35 is the independent claim.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, summary at 12.

I. Personal Interview:

A personal interview was conducted between Examiner Prone and Applicants' representative at the USPTO on September 24, 2007. During the interview, Applicants' representative provided the Examiner with representative samples of the subject matter of the present application. The samples were reviewed in light of the Figures, Specification, and claims of the present application. Specifically, the individual features representing the structure of the claimed vegetable peeler were reviewed and identified with particular emphasis placed on the definition of the term "peeling direction." It was agreed during the personal interview that the rejection under 35 U.S.C. § 112 would be withdrawn in light of the clarification of the term "peeling direction." It was further agreed that proposed amended claim language appeared to overcome the current rejection by distinguishing over the applied references.

II. Drawings:

The drawings are objected to for allegedly not showing a feature recited in the pending claims. As figures 11 and 12 are cancelled, the rejection to the drawings is moot.

III. Claim Objections:

Claim 35 is objected to for allegedly failing to provide antecedent basis at line 6 of the claim for the recitation of the "the peeling direction." However, as "a peeling direction" is recited at line 1 of claim 35, the suggested amendment to claim 35 is unnecessary. Accordingly, withdrawal of the claim objection respectfully requested.

IV. Rejections under 35 U.S.C. § 112:

Claims 35-45, 47, 49, and 50 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for the reasons detailed below.

Specifically, it is alleged in the Office Action that the direction of the “peeling direction” is inaccurate. The allegation is based on the Examiner’s interpretation of a peeling direction as the Examiner sets forth in Appendix A of the outstanding Office Action.

However, the Examiner’s interpretation of “a peeling direction” as shown in Appendix A is incorrect and the specification of the Application shows ample enabling support for the recitation of the “peeling direction” as recited in the claims. For example, when viewing Fig. 1, the “peeling direction” is identified by the arrow A. The description of the vegetable peeler shown in Figs. 1, 5, 7 and 10, for example, includes gripping surfaces 7 that are designed in such a manner that they can be clamped between the thumb at least one finger of one hand of the user, while gripping the bearing bolts 30 on the peeling blade 3, i.e., they can be held firmly between the thumb and fingers for actuating the peeling blade. Moreover, as recited at page 6, lines 1 and 2 of the specification, “it can be seen that a cross-piece 6, when using the vegetable peeler 1 extends above the peeling blade 3 and transversely to the peeling direction of the vegetable to be peeled as the cross-piece 6 is clearly shown as being transverse to the direction A in Fig. 1, the specification clearly supports and defines the peeling direction. The lateral surfaces 4 or the gripping surfaces 7 are designed in such a manner that they can be gripped by the thumb and at least one finger of one hand. “This handling enables a very precise and direct guidance of the entire vegetable peeler, and particularly of the peeling blade thereof, exerting pressure being possible without any problem and being manageable in a variable way. This is not possible with traditional vegetable peelers where the real grip is relative remote on the peeling blade (see page 8, paragraph 4).

Accordingly, the Examiner’s interpretation of a direction “E” as being the peeling direction is shown in Appendix A is inaccurate and incorrect. Moreover, as the specification provides ample enabling support upon even a cursory reading of the specification for the peeling direction, withdrawal of the rejection is respectfully requested.

V. Rejections under 35 U.S.C. § 102:

Claims 35-45, 47, and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by De Vault (2,106,796). Applicants respectfully traverse this rejection for the reasons detailed below.

It is alleged in the Office Action that De Vault discloses each and every feature recited in the rejected claims. However, De Vault fails to anticipate the rejected claims because, for example, De Vault fails to disclose two lateral gripping surfaces that are connected by blade or that a distance in the peeling direction is shorter than a distance between lateral surfaces at the peeling blade.

It is alleged in the Office Action that the cutter supports 5 correspond to the claimed “two lateral gripping surfaces.” However, as clearly indicated in De Vault, the vegetable peeler includes a handle 6 by which the vegetable peeler is handled and manipulated. There is no indication in De Vault that the leg members, or cutter supports 5, are lateral gripping surfaces as alleged in the Office Action. Moreover, as the handle 6 is not interconnected by the blade 10, De Vault fails to anticipate the feature recited in the rejected claims.

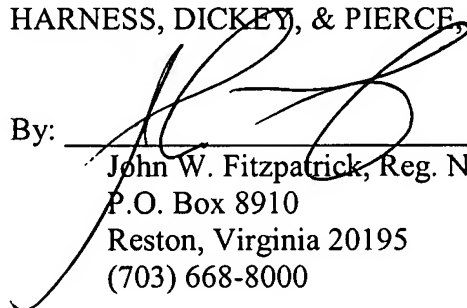
It is further alleged in the Office Action that De Vault shows a vegetable peeler that is shorter in the peeling direction than a distance between the lateral gripping surfaces at the peeling blade. However, the peeling direction is shown in Fig. 3 where the peeling device is moved forwardly, “in this instance rightwardly,” at column 2, lines 50-52 of De Vault. Thus, according to the description in De Vault of the peeling direction (from left to right in Fig. 3 and therefore from left to right in Fig. 2) a distance in the peeling direction would be a distance from the blade 10 to the handle 6. As such, it is apparent from De Vault that the peeler is longer in the peeling direction than a distance between the lateral surfaces at the peeling blade (the distance between the cutter supports 5 at the peeling blade 10). As such, De Vault fails to disclose each and every feature recited in the rejected claims. Therefore, withdrawal of the rejection is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley, Reg. No. 34,313, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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DJD/JWF:lmg

Attachement: One (1) Annotated Drawing Sheet



Appl. No. 10/505,253
Annotated Sheet 1 of 1

Please cancel Figures 11 and 12.